REMARKS

The Office Action dated July 7, 2008 has been received and carefully studied.

The Examiner rejects claim 17 under 35 U.S.C. §112, second paragraph, as being indefinite. By the accompanying amendment, "baits" and "bait" have been amended to "articles" and "article", respectively.

The Examiner newly rejects claims 1, 7, 13, 14, 16 and 17 under 35 U.S.C. §102(b) as being anticipated by Botkins, U.S. Patent No. 5,775,023. The Examiner states that Botkins discloses a method for producing aromatic and/or enticing articles and parts thereof, comprising treating a material comprising porous (polyolefin) thermoplastic plastic with at least one fish-luring aromatic and/or enticing substance.

The rejection is respectfully traversed.

Botkins discloses a device that enables fisherman to apply a dippable attractant composition to fishing lure. The Examiner apparently considers the sleeve 14 of the device to be the aromatic or enticing article. Material 14 is a receptacle to be filled with a paste-like bait composition (see, e.g., column 1, lines 32-39 and column 3, lines 11-14). This receptacle may comprise thermoplastic plastic like polyolefin. However, there is nothing in Botkins suggesting that said thermoplastic plastic is porous. Indeed, this would be disadvantageous in Botkins since Botkins aims at transferring the bait composition from the

receptacle to a fishing lure. Accordingly, a porous material for the sleeve receptacle would absorb bait composition and thus reduce the efficiency of the invention claimed by Botkins. Furthermore, there is nothing in Botkins according to which the sleeve shall be an aromatic and/or enticing article.

The Examiner's argument that the material 14 is inherently porous is unfounded. Polyolefins such as polyethylene are not porous; they only become porous if suitably treated as described in the present application. Porosity is simply not an inherent property of polyolefin. Accordingly, Botkins does not disclose or suggest treating a material comprising porous, thermoplastic plastic, either explicitly or inherently, as required by the instant claims.

The Examiner also newly rejects claims 1-5, 7 and 13-18 under 35 U.S.C. §102(b) as being anticipated by Bercz et al., U.S. Patent No. 3,708,903. The Examiner states that Bercz et al. disclose a method for producing aromatic and/or enticing articles and parts thereof, comprising treating a material 30, 52, 168, 170, 172 comprising porous thermoplastic plastic with at least one fish-luring aromatic and/or enticing substance.

The rejection is respectfully traversed.

Bercz discloses a fish lure comprising a container including a wall portion of gas permeable material which is impervious to chemiluminescent material. Firstly, Bercz does not disclose the use of fish luring aromatic and/or enticing substances. Secondly,

gas permeability does not mean that the material is porous; it is well known that e.g., polyethylene films are permeable for gases such as oxygen and accordingly multilayer films including a barrier layer are used in case oxygen diffusion shall be minimized. Furthermore, it again would be disadvantageous within the concept of Bercz to use a porous thermoplastic material since then the light-generating chemiluminescent material would be absorbed by the gas permeable wall material so that gas permeability would be reduced and furthermore the generation of light would stop since it depends on sufficient movement as explained in detail in Bercz (compare in particular the text relating to Figs. 5 and 6).

Accordingly, neither Botkins nor Bercz discloses or suggests the claimed methods, or even the basic teaching of the present application, namely, to provide a reservoir for fish-luring aromatic and/or enticing substances which are released in a controlled manner when the article is used in water to attract fish.

The Examiner also rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over either Botkins or Bercz et al.

Claim 6 is believed to be allowable by virtue of its dependence, for the reasons articulated above.

In order to even further distinguish the instant invention from the cited art, by the accompanying amendment, claim 1 has been amended to recite that the articles are capable of releasing

the fish-luring aromatic and/or enticing substance. It is again noted that Bercz explicitly teaches that the wall material is impervious to the chemiluminescent material and accordingly such material cannot be released into the surrounding water.

New claims 19 and 20 have been added to further define the invention. Support can be found on page 3, lines 5-8, page 9, last paragraph, and in the Example.

The allowability of claims 8-12 is noted with appreciation.

Reconsideration and allowance of all pending claims are respectfully requested in view of the foregoing.

Respectfully submitted,

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